

Message Text

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ACTION PM-04

INFO OCT-01 ISO-00 CIAE-00 DODE-00 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-05 IO-11 MC-02 TRSE-00 EB-07 EUR-12 OMB-01 /085 W

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R 162203Z MAR 76

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 9148

C O N F I D E N T I A L SECTION 1 OF 2 OTTAWA 1077

POUCHED ALL CONSULATES IN CANADA

E.O. 11652: GDS

TAGS: MARR, MILI, CA

SUBJ: SAC/ADCOM EMERGENCY DEPLOYMENT AGREEMENT

REF: DEPT A-3177, MAY 5, 1975

1. GOC HAS PROVIDED EMBASSY WITH FOLLOWING REVISED TEXT FOR SUBJECT AGREEMENT: BEGIN TEXT: I HAVE THE HONOR TO REFER TO DISCUSSIONS BETWEEN REPRESENTATIVES OF OUR TWO GOVERNMENT, INCLUDING DISCUSSIONS IN THE PERMANENT JOINT BOARD ON DEFENSE, REGARDING THE MUTUAL INTEREST OF CANADA AND THE UNITED STATES IN STRENGTHENING THEIR DETERRENT CAPABILITIES BY CONCLUDING ARRANGEMENTS FOR THE EMERGENCY DEPLOYMENT AND REFUELLING OF UNITED STATES MILITARY AIRCRAFT AT SELECTED CANADIAN FORCES BASES IN CANADA IN TIMES OF INTERNATIONAL CRISIS. CANADIAN AND UNITED STATES MILITARY REPRESENTATIVES HAVE JOINTLY CONDUCTED INVESTIGATIONS OF CERTAIN CANADIAN BASES TO DETERMINE THEIR SUITABILITY FOR THIS PURPOSE.

THE UNITED STATES GOVERNMENT NOW PROPOSES THAT THE USE OF FOUR BASES IN CANADA WHICH ARE TO BE MUTUALLY AGREED UPON, BY UNITED STATES MILITARY AIRCRAFT DURING AN INTERNATIONAL CRISIS BE APPROVED IN
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PRINCIPLE BY THE GOVERNMENT OF CANADA AND BE GOVERNED

IN PRACTISE BY THE CONDITIONS SET FORTH IN THE ANNEX
TO THIS NOTE.

IF THE FOREGOING IS ACCEPTABLE TO THE GOVERNMENT
OF CANADA, I HAVE THE HONOR TO PROPOSE THAT THIS NOTE
TOGETHER WITH THE ANNEX THERETO AND YOUR REPLY TO THAT
EFFECT SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO
GOVERNMENTS WHICH WILL ENTER INTO FORCE ON THE DATE
OF YOUR REPLY, AND SHALL REMAIN IN FORCE FOR A PERIOD
OF FIVE YEARS DURING WHICH TIME ITS TERMS MAY BE RE-
VIEWED AT ANY TIME UPON THE REQUEST OF EITHER PARTY.
THIS AGREEMENT SHALL TERMINATE TWELVE MONTHS AFTER
NOTICE IN WRITING OF INTENTION TO TERMINATE HAS BEEN
GIVEN BY ONE GOVERNMENT TO THE OTHER.

ACCEPT, SIR, THE RENEWED ASSURANCES OF MY HIGHEST
CONSIDERATION. (SIGNED) U.S. AMBASSADOR

ANNEX

STATEMENT OF CONDITIONS GOVERNING THE EMERGENCY DEPLOYMENT
AND REFUELLING OF UNITED STATES MILITARY AIRCRAFT AT
CANADIAN FORCES BASES

(HEREAFTER, UNLESS THE CONTEXT OTHERWISE REQUIRES,
"CANADA" MEANS THE GOVERNMENT OF CANADA, AND "UNITED
STATES" MEANS THE GOVERNMENT OF THE UNITED STATES OF
AMERICA.)

1. CONSULTATION

PRIOR TO DEPLOYING AIRCRAFT OF PERSONNEL TO SPECIFIED
CANADIAN BASES (HEREINAFTER REFERRED TO AS "DEPLOYMENT
BASES"), UNITED STATES AUTHORITIES SHALL CONSULT WITH
APPROPRIATE CANADIAN AUTHORITIES AND OBTAIN SPECIFIC AP-
PROVAL FOR SUCH DEPLOYMENT.

2. DEPLOYMENT OF PERSONNEL AND AIRCRAFT

THE UNITED STATES SHALL NOT PERMANENTLY STATION ANY
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PERSONNEL OR AIRCRAFT AT THE DEPLOYMENT BASES; HOWEVER,
THE UNITED STATES MAY TEMPORARILY DEPLOY TO THE DEPLOYMENT
BASES MILITARY PERSONNEL AND AIRCRAFT UNDER THE COMMAND
AND CONTROL OF UNITED STATES MILITARY AUTHORITIES. THE
NUMBERS OF PERSONNEL AND AIRCRAFT TO BE TEMPORARILY DE-
PLOYED AT ANY PARTICULAR DEPLOYMENT BASE WILL BE A MATTER
FOR AGREEMENT BETWEEN THE APPROPRIATE AUTHORITIES OF THE
TWO GOVERNMENT.

3. OPERATION

(A) CANADA SHALL, TO THE EXTENT COMPATIBLE WITH CANADIAN NEEDS, MAKE AVAILABLE TO THE UNITED STATES AND MAINTAIN AND OPERATE SUCH EXISTING CANADIAN FACILITIES, EQUIPMENT, AND SERVICES AT THE DEPLOYMENT BASES AS THE APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS MAY DEEM NECESSARY TO ENSURE EFFECTIVE AND ECONOMICAL UNITED STATES MILITARY USE OF THE DEPLOYMENT BASES.

(B) THE UNITED STATES SHALL HAVE THOSE RIGHTS OF OPERATION NECESSARY TO ENSURE EFFECTIVE MILITARY USE OF THE DEPLOYMENT BASES. SUCH RIGHTS SHALL INCLUDE THE USE OF EXISTING CANADIAN FACILITIES, EQUIPMENT, AND SERVICES, AND THE PRE-POSITIONING OF PETROLEUM PRODUCTS. SUCH RIGHTS SHALL NOT BE EXERCISED IN SUCH A MANNER AS TO CAUSE, IN THE OPINION OF CANADIAN AUTHORITIES, UNACCEPTABLE INTERFERENCE WITH CANADIAN OPERATIONS AT THE DEPLOYMENT BASES.

4. IMPROVEMENTS TO EXISTING CANADIAN FACILITIES,
EQUIPMENT, AND SERVICES

THE UNITED STATES MAY MAKE IMPROVEMENTS TO EXISTING CANADIAN FACILITIES, OR EQUIPMENT, OR SERVICES AT THE DEPLOYMENT BASES. SUCH IMPROVEMENTS SHALL ONLY BE MADE AFTER APPROVAL HAS BEEN OBTAINED BY THE UNITED STATES FROM CANADIAN AUTHORITIES. IN MAKING SUCH IMPROVEMENTS, THE UNITED STATES SHALL TAKE SPECIAL CARE TO AVOID ANY INFRINGEMENT OF RIGHTS OF THIRD PARTIES.

5. CONTRACTING PROCEDURES
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PROCEDURES FOR AWARDING CONTRACTS FOR IMPROVEMENT OF EXISTING CANADIAN FACILITIES, EQUIPMENT OR SERVICES SHALL BE DETERMINED BY AGREEMENT BETWEEN APPROPRIATE AUTHORITIES OF THE TWO GOVERNMENTS; WHEREVER POSSIBLE, PREFERENCE SHALL BE GIVEN TO CANADIAN CONTRACTORS.

6. FINANCING

(A) CANADA SHALL BE RESPONSIBLE FOR THE COST OF MAINTAINING AND OPERATING EXISTING CANADIAN FACILITIES, EQUIPMENT AND SERVICES TO THE EXTENT THAT CANADA UTILIZES OR BENEFITS FROM SUCH FACILITIES, EQUIPMENT AND SERVICES.

(B) THE UNITED STATES SHALL BE RESPONSIBLE FOR:

(I) ANY OPERATIONS AND MAINTENANCE COSTS DIRECTLY ASSOCIATED WITH THIS AGREEMENT WHICH ARE NOT BORNE BY CANADA;

(II) THE COST OF IMPROVEMENTS TO EXISTING CANADIAN FACILITIES, EQUIPMENT OR SERVICES MADE IN ACCORDANCE WITH PARAGRAPH 4 ABOVE;

(III) THE COST OF FUEL USED BY UNITED STATES AIRCRAFT, INCLUDING THE COST OF PRE-POSITIONING FUEL AT THE DEPLOYMENT BASES; AND

(IV) THE COST OF ALL SERVICES PROVIDED BY CANADA TO UNITED STATES PERSONNEL AT THE DEPLOYMENT BASES, AND, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, THE COST OF MESSING AND BILLETING SERVICES PROVIDED TO UNITED STATES PERSONNEL.

(C) ANY ACTION REQUIRED TO BE TAKEN UNDER THIS AGREEMENT SHALL BE SUBJECT TO THE AVAILABILITY OF APPROPRIATED FUNDS.

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ACTION PM-04

INFO OCT-01 ISO-00 CIAE-00 DODE-00 H-02 INR-07 L-03

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C O N F I D E N T I A L SECTION 2 OF 2 OTTAWA 1077

7. TAXES AND CUSTOMS DUTIES

(A) CANADA SHALL GRANT REMISSION OF CUSTOMS

DUTIES AND EXCISE TAXES ON GOODS IMPORTED INTO CANADA, AND OF FEDERAL SALES AND EXCISE TAXES ON GOODS PURCHASED IN CANADA, WHICH ARE OR WILL BECOME THE PROPERTY OF THE UNITED STATES AND WHICH ARE TO BE USED IN THE IMPROVEMENT OF EXISTING CANADIAN FACILITIES, EQUIPMENT OR SERVICES AT THE DEPLOYMENT BASES, OR WHICH ARE OTHERWISE FOR THE USE OF THE UNITED STATES UNDER THIS AGREEMENT. CANADA SHALL ALSO GRANT REFUNDS BY WAY OF DRAWBACK OF THE CUSTOMS DUTY PAID ON GOODS IMPORTED BY CANADIAN MANUFACTURES AND USED IN THE MANUFACTURE OR PRODUCTION OF GOODS PURCHASED BY OR ON BEHALF OF THE UNITED STATES WHICH ARE OR WILL BECOME THE PROPERTY OF THE UNITED STATES IN CONNECTION WITH THE IMPROVEMENT OR USE OF EXISTING CANADIAN FACILITIES, EQUIPMENT, OR SERVICES AT THE DEPLOYMENT BASES.

(B) SUBPARAGRAPH (A) ABOVE SHALL IN NO WAY LIMIT THE APPLICATION OF CUSTOMS OR FISCAL EXEMPTIONS OR TAX RELIEF PROVIDED BY THE NORTH ATLANTIC TREATY ORGANIZATION STATUS OF FORCES AGREEMENT SIGNED IN LONDON ON JULY 19, 1951 OR OTHER AGREEMENTS BETWEEN THE UNITED STATES AND CANADA.

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8. CLOSURE OF DEPLOYMENT BASES

NOTHING HEREIN SHALL BE INTERPRETED SO AS TO IMPOSE AN OBLIGATION ON CANADA TO MAINTAIN A DEPLOYMENT BASE IN OPERATION OR TO PREVENT ITS CLOSURE WHERE SUCH CLOSURE IS CONSIDERED BY CANADA TO BE IN ITS PUBLIC INTEREST. SHOULD A DEPLOYMENT BASE BE CLOSED THE UNITED STATES SHALL NOT BE ENTITLED TO ANY REIMBURSEMENT IN RESPECT OF IMPROVEMENTS MADE BY IT AT SUCH DEPLOYMENT BASE.

9. OWNERSHIP AND DISPOSAL OF PROPERTY

OWNERSHIP AND THE RIGHT OF DISPOSAL OF ALL PROPERTY BROUGHT INTO CANADA OR PURCHASED IN CANADA AND PLACED ON THE DEPLOYMENT BASES BY OR ON BEHALF OF THE UNITED STATES SHALL REMAIN WITH THE UNITED STATES, PROVIDED THAT IF SUCH PROPERTY IS AFFIXED TO THE REALITY, OWNERSHIP AND THE RIGHT OF DISPOSAL SHALL VEST IN CANADA. THE UNITED STATES SHALL HAVE THE UNRESTRICTED RIGHT OF REMOVING OR DISPOSING OF ALL UNITED STATES PROPERTY AT ANY TIME, PROVIDED THAT SUCH REMOVAL OR DISPOSAL SHALL NOT BE DELAYED BEYOND A REASONABLE TIME AFTER THE CLOSURE OF A DEPLOYMENT BASES OR THE TERMINATION OF THIS AGREEMENT. THE DISPOSITION WITHIN CANADA OF

UNITED STATES PROPERTY AT THE DEPLOYMENT BASES SHALL BE AFFETED IN ACCORDANCE WITH THE EXCHANGE OF NOTES BETWEEN THE UNITED STATES AND CANADA DATED AUGUST 28, 1961 AND SEPTEMBER 1, 1961, CONCERNING THE DISPOSAL OF UNITED STATES EXCESS PROPERTY IN CANADA.

10. CANADIAN LAW

NOTHING IN THIS AGREEMENT SHALL DEROGATE FROM THE APPLICATION OF CANADIAN LAW IN CANADA, PROVIDED THAT IF IN UNUSAL CIRCUMSTANCES ITS APPLICATION MAY LEAD TO UNREASONABLE DELAY OR DIFFICULTY IN THE IMPROVEMENT OR USE BY THE UNITED STATES OF EXISTING CANADIAN FACILITIES, EQUIPMENT, OR SERVICES AT THE DEPLOYMENT BASES, THE UNITED STATES MAY REQUEST THE ASSISTANCE OF CANADIAN AUTHORITIES IN SEEKING APPROPRIATE ALLEVIATION.
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11. STATUS OF FORCES

EXCEPT AS OTHERWISE PROVIDED HEREIN, THE STATUS OF THE UNITED STATES FORCES, ITS CIVILIAN COMPONENT AND MEMBERS OF EITHER AND THEIR DEPENDENTS IN CANADA PURSUANT TO THIS AGREEMENT IS GOVERNED BY THE NORTH ATLANTIC TREARY ORGANIZATION STATUS OF FORCES AGREEMENT.

12. SUPPLEMENTARY ARRANGEMENTS AND ADMINISTRATIVE AGREEMENTS

SUPPLEMENTARY ARRANGEMENTS AND ADMINISTRATIVE AGREEMENTS BETWEEN APPROPRIATE MILITARY AUTHORITIES OF THE TWO GOVERNMENTS MAY BE MADE FROM TIME TO TIME FOR THE PURPOSE OF CARRYING OUT THE INTENT OF THE AGREEMENT. END TEXT.

13. COMMENT: GOC HAS POINTED OUT THAT TEXT HAS BEEN CONSIDERABLY CHANGED, ALTHOUGH MOST CHANGES ARE OF FORM OR DRAFTING, WITH ONLY TWO OR THREE OF SUBSTANCE. ABOVE DRAFT HAS BEEN APPROVED BY DEFENSE MINISTER BUT NOT BY FONMIN MACEACHEN. EXTAFF WISES RESERVE SUBMISSION TO LATTER UNTIL US VIEWS RECEIVED. EMBASSY REQUESTS, THEREFORE, THAT US COMMENTS BE SUBMITTED TO IT FOR FORWARDING TO GOC.
JOHNSON

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Message Attributes

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Disposition Reason:
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